UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/768,813	RUBIN ET AL.
	Examiner	Art Unit	
	JAKIEDA R. JACKSON	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _18 May 2009_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-4,10,13-41,43-58,60,61,63-70,72,73,75-77,79,80 and 82-86_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-4,10,13-41,43-58,60,61,63-70,72,73,75-77,79,80 and 82-86_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   In response to the Office Action mailed February 18, 2009, applicant submitted

an amendment filed on May 18, 2009, in which the applicant traversed and requested

reconsideration.

Response to Arguments

2.   Applicant argues that there is no indication of a navigation history feature for

recording all document navigations indexed by time so that the system can

simultaneously play back, not only the audio clip recorded during the session but also a

sequence of document navigations. Applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the claims

patentably distinguishes them from the references. By merely citing passages in

Merritt's specification does not overcome the present rejection. Furthermore, column

11, lines 20-35 and the abstract of Merrit's specification teaches that recording all

document navigations indexed by time (annotations sorted and ordered by time) so

that the system can simultaneously play back (audio pertaining to the image), not only

the audio clip recorded during the session but also a sequence of document navigation

(sequentially or in parallel review the annotations and the images). Therefore,

Applicant's arguments are not persuasive.

Further, Applicant's argue that nowhere does Doyle teach or suggest that the word or phrase that is clearly delimited by silence has been converted into search queries or that the vocal tags are verbally delimited. However, according to well known prior art shown in column 1, lines 50-62, the utterance is compared, searched and returns matches/results to the search query. Therefore, Applicant's arguments are not persuasive. Furthermore, Applicant's point out that Doyle acknowledges that the conventional "delimiting" techniques creates a problem in accurately matching utterances stored in a database, however, Doyle merely explains that when using a speaker-independent model, matching is more difficult. According to most invention, an explanation of providing an improvement (i.e. adding additional features to prior art) is discussed. Therefore, Applicant's arguments are not persuasive.

Applicants also argue that Fielder teaches away from the claimed invention, for example with claim 36, it recites recording all ambient noise, while Fielder teaches cancellation of ambient noise (column 6, line 43). Fielder teaches a continuous recording process in which all noises, since continuous, are recorded. Fielder does teach steps that follow processing the ambient noise after it is recorded and detected, however, this does not negate the fact that ambient sounds are recorded. Furthermore, a prior art reference that "teaches away" from the claimed invention is a significant factor to be considered in determining obviousness; however, "the nature of the teaching is highly relevant and must be weighted in substance. A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551,

554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994)....The court held the claims would have

been obvious over prior art because the reference taught epoxy resin based material

was useful for applicant's purpose, applicant did not distinguish the claimed epoxy from

the prior art epoxy, and applicant asserted no discovery beyond what was known in the

art. Furthermore, "the prior art's mere disclosure of more than one alternative does not

constitute a teaching away from any of these alternatives because such disclosure does

not criticize, discredit, or otherwise discourage the solution claimed..." In re Fulton, 391

F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). A reference is no less

anticipatory if, after disclosing the invention, the reference then disparages it.

Therefore, Applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 27-28 and 31-36, 39-48, 50-56, 58, 60, 62-63, 66-70, 72-73, 75-77 and**

82-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit et al.

(USPN 6,279,014), hereinafter referenced as Schilit in view of Merritt et al. (USPN

6,041,335), hereinafter referenced as Merritt and in further view of Doyle (USPN

6,058,239).

Regarding **claim 27**, Schilit discloses a user interface for displaying electronic

information to a user comprising:

a first display portion for displaying a portion of a document (pictures themselves;

column 6, lines 17-19); and

a second display portion for displaying a graphical indication that said document

includes an audio annotation associated with said displayed portion of said document

(annotations of pictures; column 6, lines 17-19), but does not specifically teach wherein

said audio annotation is associated with an author, wherein the audio annotations are in

the form of audio clips, a navigation history, verbally delimiting keywords and

dynamically accessing the audio clips based on search queries.

Merritt teaches a user interface wherein the electronic information includes a

plurality of documents (figures 2-5) and for displaying electronic information to a user

wherein said audio annotation is in the form of audio clips (audio annotation; column 8,

lines 21-31) and wherein the audio annotation is associated with an author of said audio

annotation (adds author information to the annotation; column 11, lines 20-35), said

audio clips are stored in a storage which includes properties that permit audio

information to be associated with a visual (sequentially or in parallel; abstract with

communicates audio that pertains to image; column 4, lines 30-44) wherein the

properties include position data indicating the location in the electronic information at

which the author inserted each audio clip (coordinates; column 11, lines 20-35) and time

data indicating the time of recording of each audio clip during a session (time

stamp/date of annotation; column 11, lines 20-35);

a navigation history feature for recording all document navigations indexed by time so that the system can simultaneously play back, not only the audio clip recorded during the session (annotation), but also a sequence of document navigations (playback audio annotation with desired information; column 11, lines 20-35);

wherein the user interface is controlled by a processor which allows dynamically accessing the audio clips based on the search queries (sorted and ordered by criteria; column 11, lines 20-35), so that information can be conveyed visually and audibly.

Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to modify Schilit's invention as described above, to allow users to communicate audibly information about the primary images displayed (column 3, lines 55-59), as taught by Merritt.

Schilit in view of Merritt disclose a user interface for displaying electronic information to a user, but does not specifically teach an audio input for receiving verbally delimited keywords and converting said verbally delimited keywords into search queries.

Doyle teaches an audio input (speech) for receiving verbally delimited keywords (discrete utterances that may be a word or phrase that is clearly delimited by silence) and converting said verbally delimited keywords into search queries (column 1, lines 50-62 with column 4, lines 21-33), for selective retrieval of data stored.

Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to modify Schilit in view of Merritt's invention as described above, to match a new reference utterance with those stored in the database, which

provides a means to review the content and to automatically position the appropriate

information for playback (column 2, lines 6-19), as taught by Doyle.

Regarding **claim 28**, Schilit discloses a user interface further comprising:

a third display portion for displaying a non-audio annotation (context of each

annotation; column 6, lines 10-14).

Regarding **claim 31**, Schilit discloses a use interface further comprising:

a third display portion for receiving a user input of a property or properties of said

audio annotation (attributes; column 5, line 61 – column 6, line 4).

Regarding **claim 32**, Schilit discloses a user interface wherein said audio

annotation is recordable by said user (column 39-42 with column 6, lines 24-26).

Regarding **claim 33**, it is interpreted and rejected for the same reasons as set

forth in claim 27. In addition, Schilit discloses a process for recording an audio

annotation comprising the steps of:

displaying electronic information (column 3, lines 52-56);

receiving a user input (column 6, lines 24-26 with column 3, lines 52-63 and

column 5, line 45);

recording an audio annotation in response to said user input (column 4, lines 30-

38); and

associating said audio annotation with properties including a displayed portion of

said electronic information (associates attributes with annotations; column 4, lines 30-

38).

In addition, Merritt teaches a user interface for displaying electronic information to a user wherein said audio annotation is associated with an author (author; column 11, lines 20-35).

Regarding **claim 34**, Schilit discloses a process further comprising the step of:

storing said audio annotation prior to the association of said audio annotation with said displayed portion (column 5, lines 42-64).

Regarding **claim 35**, Schilit discloses a process further comprising the step of:

storing said audio annotation after the association of said audio annotation with said displayed portion (column 5, line 65 – column 6, line 4).

Regarding **claim 36**, Schilit discloses a process wherein said recording step records ambient sounds (audio recording; column 4, lines 39-40 with column 6, lines 24-26).

Regarding **claim 39**, Schilit discloses a process further comprising the step of:

associating additional properties with said audio annotation at the start of recording of said audio annotation (creation date; column 5, lines 61-64).

Regarding **claim 40**, Schilit discloses a process wherein one of said properties is a file position or document position of an item on said displayed portion of said electronic information (column 2, lines 63-66).

Regarding **claim 41**, Schilit discloses a process wherein one of said properties is a start identification of said displayed portion of said electronic information (creation date; column 5, lines 61-64).

Regarding **claim 42**, Schilit discloses a further comprising the steps of:

storing said audio annotation (stores the annotations; column 3, lines 62-63); and

searching audio annotations including said audio annotation for at least one

property matching a query (column 4, lines 30-38).

Regarding **claim 43**, it is interpreted and rejected for the same reasons as set

forth in claims 27 and 33. In addition, Schilit discloses a process for playing audio

annotations comprising the steps of:

displaying a portion of electronic information (figure 2, element S160 with column

3, lines 60-63);

receiving a user input (column 4, lines 39-42 with column 6, lines 24-26);

assembling said audio annotations into an audio stream (column 4, lines 30-38

with column 6, lines 24-26); and

playing said audio stream (column 4, lines 30-38 with column 6, lines 24-26).

Regarding **claim 44**, Schilit discloses a process further comprising the step of:

waiting for a second user input prior to playing said audio stream (column 4, lines

30-38).

Regarding **claim 45**, Schilit discloses a process further comprising the step of:

playing said audio stream once said audio stream is assembled (column 4, lines

30-38).

Regarding **claim 46**, Schilit discloses a process wherein said user input is a text

query (text; column 6, lines 24-26).

Regarding **claim 47**, Schilit discloses a process wherein said user input is a

voice query (audio annotation; column 6,lines 24-26).

Regarding **claim 48**, Schilit discloses a process further comprising the steps of:

altering the display of said portion to match a currently playing annotation in said

audio stream (column 4, lines 30-38 with column 6, lines 24-26).

Regarding **claim 50**, it is interpreted and rejected for the same reasons as set

forth in claims 27 and 33. In addition, Schilit discloses a process for playing audio

annotations comprising the steps of:

navigating to a page (reader to navigate; column 6, lines 5-9);

retrieving at least one audio annotation associated with a page or associated with

an item on a page (column 4, lines 30-38 with column 6, lines 24-32); and

playing said at least one audio annotation (column 3, lines 57-63 with column 6, lines

24-32).

Regarding **claim 51**, Schilit discloses a process further comprising the step of:

waiting for a user input prior to playing said audio annotation (column 4, lines 30-

38 with column 6, lines 24-26).

Regarding **claim 52**, Schilit discloses a process wherein said item on said page

includes at least one of embedded notes, inked notes, highlights or underlining (column

4, lines 44-48).

Regarding **claim 53**, Schilit discloses a process wherein said at least one audio

annotation was previously retrieved and said retrieving step includes indexing said

previously retrieved at least one audio annotation (column 5, lines 10-32).

Regarding **claim 54**, Schilit discloses a process wherein said at least one audio

annotation is the result of a newly executed query (column 3, lines 52-63).

Regarding **claim 55**, it is interpreted and rejected for the same reasons as set forth in claims 27 and 33. In addition, Schilit discloses a computer readable medium having a data structure stored thereon, said data structure comprising;

a document (column 3, lines 52-63);

a link object (column 4,lines 17-38); and

audio content with at least one property (column 5, lines 61-64),

wherein said link object references said document and references said audio content (column 4, lines 30-38),

wherein at least one property identifies an author of the at least one audio annotation (column 5, line 42 – column 6, line 32).

Regarding **claim 56**, Schilit discloses a data structure wherein at least one property relates to the time said audio content started recording (column 5, lines 55-64).

Regarding **claim 58**, Schilit discloses a data structure wherein at least one property relates to the length of recording of said audio content (column 4, lines 49-56).

Regarding **claim 60**, Schilit discloses a data structure wherein at least one property relates to a start ID (column 4, lines 49-56 with column 5, lines 55-64).

Regarding **claim 62**, Schilit discloses a data structure wherein said audio content is comprised of a plurality of audio clips (column 4, lines 30-38 with column 6, lines 24-26).

Regarding **claim 63**, Schilit discloses a data structure wherein said audio clips are stored in a database (column 3, lines 57-63 with column 6, lines 24-26).

Regarding **claim 66**, Schilit discloses a data structure wherein said audio content is stored within a document (figure 1, element 16 with column 3, lines 52-63).

Regarding **claim 67**, Schilit discloses a data structure wherein said audio content is stored apart from a document (figure 1, element 18 with column 3, lines 52-63).

Regarding **claim 68**, Schilit discloses a data structure wherein said audio content is stored in a database with at least one property designating the position of viewed document relating to said audio content (column 4, lines 49-58).

Regarding **claim 69**, Schilit discloses a data structure wherein said audio content is stored in a database and linked to a separate annotation document that stores the position of a viewed document relating to said audio content (column 4, lines 30-38).

Regarding **claim 70**, it is interpreted and rejected for the same reasons as set forth in claims 27 and 33. In addition, Schilit discloses a process for recording audio content comprising the steps of:

navigating to a page of a document (reader to navigate; column 6, lines 5-9);

recording said audio content (column 4, lines 39-40); and

associating properties with said audio content such that retrieval of said audio content positions said audio content after previously recorded audio content (column 4, lines 30-40),

wherein said audio content includes at least one audio annotation (column 5, line 42 – column 6, line 32).

Regarding **claim 72**, Schilit discloses a process wherein said audio content and

said previously recorded audio content is ordered at least by said time property

(creation date; column 5, lines 61-64).

Regarding **claim 73**, it is interpreted and rejected for the same reasons as set

forth in claim 27. In addition, Schilit discloses a process of searching audio clips

comprising the steps of:

inputting search terms or properties (column 5, lines 61-64);

searching said audio clips for said search terms or properties (column 4, lines 30-

38); and

ordering audio clips detected by said searching step for output (column 4, lines 30-38

with column 5, lines 61-64 and column 6, lines 10-23).

Regarding **claim 75**, it is interpreted and rejected for the same reasons as set

forth in claims 27 and 33. In addition, Schilit discloses a process for recording audio

information comprising the steps of:

recording audio signals as a first file (column 4, lines 29-48);

processing said file to extract audio clips (column 6, lines 24-26); and

storing said audio clips (column 3, lines 52-63 with column 6, lines 24-26),

wherein said processing separates the content of said first file into audio clips based on

events (column 4, lines 30-38), but does not specifically teach wherein said audio

annotation is associated with an author.

Regarding **claim 76**, it is interpreted and rejected for similar reasons as set forth

in claim 75. In addition, Schilit teaches a process wherein said events comprise at least

one of short pauses in said speech, a pause of a predetermined length, and a user

navigating away from a displayed page (column 6, lines 5-9).

Merritt teaches a process wherein said audio signals include speech (audio

commentary; column 4, lines 30-44), and

Regarding **claim 77**, it is interpreted and rejected for the same reasons as set

forth in claims 27 and 33. In addition, Schilit discloses

creating a handwritten note (inherent in pen-based device; column 3, lines 57-60

with column 6, lines 24-26);

associating a time at which said handwritten note was created with said

handwritten note (creation date; column 5, lines 55-65);

creating an audio note (column 6, lines 24-26); and

associating a time at which said audio note was created with said audio note

(column 5, lines 55-65),

wherein, upon selection of said handwritten note, audio notes recorded at or near the

time at which said handwritten note was created are located (column 4, lines 17-56).

Regarding **claim 82**, Schilit discloses a process further comprising the step of:

playing said audio notes (column 6, lines 24-26).

Regarding **claim 83**, it is interpreted and rejected for the same reasons as set

forth in claims 27 and 33. In addition, Schilit discloses a process for playing audio notes

comprising the steps of:

displaying a first page of electronic information (presents using different list

views; column 6, lines 5-9);

playing audio notes associated with said first page (column 4, lines 30-38);

displaying a second page of electronic information slide presentation (presents using different list views; column 6, lines 5-9); and

playing audio notes associated with said second page (column 4, lines 30-38).

Regarding **claim 84**, Schilit discloses a process further comprising the step of receiving user input,

wherein, in response to said user input, said second page is displayed (reader to navigate; column 6, lines 5-9).

Regarding **claim 85**, it is interpreted and rejected for the same reasons as set forth in claims 27 and 33. In addition, Schilit discloses a process of recording audio notes comprising the steps of:

displaying a first page of electronic information (column 3, lines 52-63);

recording a first set of audio notes (column 4, lines 69-40);

associating said first set of audio notes with said first page (column 4,l ines 30-38);

displaying a second page of electronic information (column 3, lines 52-63);

recording a second set of audio notes (column 4, lines 39-40); and

associating said second set of audio notes with said second page (column 4, lines 30-38).

Regarding **claim 86**, Schilit discloses a process further comprising the step of receiving user input (column 3, lines 52-63),

wherein, in response to said user input, said second page is displayed (column 6,

lines 5-23).

5.   **Claims 1, 4-6, 9-10 and 13-26** are rejected under 35 U.S.C. 103(a) as being

unpatentable by Milne et al. (USPN 5,390,138), hereinafter referenced as Milne in view

Merritt and in further view of Doyle (USPN 6,058,239).

Regarding **claim 1**, Milne discloses a system for receiving audio input

comprising:

a display for displaying electronic information (column 10, line 67 – column 11,

line 3);

an audio input receiving audio content (column 10, lines 27-28); and

a processor (figure 1, element 10) for associating said received audio content

with said displayed electronic information (column 8, lines 36-39 with column 10, line 67

– column 11, line 3), but lacks wherein said processor further associates an author with

each of said audio annotations, each of said audio annotations being randomly

accessible based on the author, wherein the audio annotations are in the form of audio

clips, verbally delimiting keywords and dynamically accessing the audio clips based on

search queries.

Merritt teaches a user interface wherein the electronic information includes a

plurality of documents (documents; figures 2-5) and for displaying electronic

information to a user wherein said processor further associates an author with each of

said audio annotations, each of said audio annotations being randomly accessible

based on the author (audio annotation pertaining to the author; column 11, lines 20-35);

wherein said audio annotation (annotation) is in the form of audio clips and

wherein the audio annotation is associated with an author of said audio annotation

(column 11, lines 20-35), said audio clips are stored in a storage which includes

properties that permit audio information to be associated with a visual (image; column

11, lines 20-35) wherein the properties include position data indicating the location in

the electronic information at which the author inserted each audio clip (coordinates;

column 11, lines 20-35) and time data indicating the time of recording of each audio clip

during a session (time stamp/date; column 11, lines 20-35);

a navigation history feature for recording all document navigations indexed by

time so that the system can simultaneously play back, not only the audio clip recorded

during the session (annotation), but also a sequence of document navigations (playback

audio annotation with desired information; column 11, lines 20-35);

wherein the user interface is controlled by a processor which allows dynamically

accessing the audio clips based on the search queries (sorted and ordered by criteria;

column 11, lines 20-35), so that information can be conveyed visually and audibly.

Therefore, it would have been obvious to one of ordinary skill of the art at the

time the invention was made to modify Milne's invention as described above, to allow

users to communicate audibly information about the primary images displayed (column

3, lines 55-59), as taught by Merritt.

Milne in view of Merritt disclose a user interface for displaying electronic

information to a user, but does not specifically teach an audio input for receiving

verbally delimited keywords and converting said verbally delimited keywords into search

queries.

Doyle teaches an audio input (speech) for receiving verbally delimited keywords

(discrete utterances that may be a word or phrase that is clearly delimited by silence)

and converting said verbally delimited keywords into search queries (column 1, lines 50-

62 with column 4, lines 21-33), for selective retrieval of data stored.

Therefore, it would have been obvious to one of ordinary skill of the art at the

time the invention was made to modify Milne in view of Merritt's invention as described

above, to match a new reference utterance with those stored in the database, which

provides a means to review the content and to automatically position the appropriate

information for playback (column 2, lines 6-19), as taught by Doyle.

Regarding **claim 4**, Milne discloses a system further comprising:

a storage for storing said audio content with said at least one property (audio can

be stored; column 9, lines 63-65 with column 19, lines 66-67).

Regarding **claim 5**, Milne discloses a system further comprising:

an input receiving a user's input (column 10, lines 27-28),

wherein said processor starts recording audio content from said audio input in

response to said user's input (video tape recorders; column 8, lines 53-60 with column

10, lines 25-32).

Regarding **claim 6**, Milne discloses a system wherein said processor includes a voice activated recording system for recording said audio content (column 10, lines 25-32 with a record member function; column 19, lines 53-54).

Regarding **claim 9**, Milne disclose a system wherein said processor controls said display to indicate that audio content is associated with said displayed electronic information.

Regarding **claim 10**, it is interpreted and rejected for the same reasons as set forth in claim 1. In addition, Milne discloses a system for playing audio content, said system comprising:

a display for displaying electronic information (column 10, line 67 – column 11, line 3);

a storage for storing audio content (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67), said audio content including properties and being associated with said displayed electronic information (column 8, lines 36-39 with column 10, line 67 – column 11, line 3);

an output for outputting at least some of said audio content responsive to navigation of said displayed electronic information (column 10, line 66 – column 11, line 3); and

a processor for controlling said display, said storage and said output (figure 1, element 10), but lacks wherein said processor further associates an author with each of said audio annotations, each of said audio annotations being randomly accessible based on the author.

Regarding **claim 13**, Milne discloses a system, wherein said storage is a database (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67).

Regarding **claim 14**, Milne discloses a system further comprising:

an input for receiving a user's input (column 10, lines 27-28),

wherein said output outputs at least some of said audio content in response to receiving said user's input (column 10, line 66 – column 11, line 3).

Regarding **claim 15**, Milne discloses a system further comprising:

an input for receiving a user's input (column 10, lines 27-28),

wherein said processor searches properties of said stored audio content in response to said user's input (video tape recorders; column 8, lines 53-60 with column 10, lines 25-32).

Regarding **claim 16**, Milne discloses a system wherein the output of said processor is sent to said display to display an indication of the search results (column 14, lines 65-68).

Regarding **claim 17**, Milne discloses a system wherein the output of said controller is sent to the output for playing audio content with properties matching the search results (audio data; column 8, lines 47-50 with column 14, lines 65-68 with column 21, lines 35-38).

Regarding **claim 18**, Milne discloses a system wherein said processor retrieves all audio content associated with said electronic information when said electronic information is accessed (media components connected together; column 8, lines 36-60 with column 11, lines 35-36).

Regarding **claim 19**, Milne discloses a system wherein said processor outputs selected audio content to be played through said output when a page of said electronic information is displayed (column 10, line 67 – column 11, line 3).

Regarding **claim 20**, Milne discloses a system wherein said processor automatically plays said selected audio content when said page is displayed (audio component represented graphically on the display; column 10, lines 38-44 with column 10, line 67 – column 11, line 3).

Regarding **claim 21**, Milne discloses a system further comprising:

a communication link to transmit said audio content (connection linking audio component; column 10, lines 55-56 with column 11, lines 35-36).

Regarding **claim 22**, Milne discloses a system further comprising: a network connected to said communication link for receiving said audio content, said network being accessible by other users (multiple clients to share; column 9, lines 1-4).

Regarding **claim 23**, Milne discloses a system further comprising:

a receiving device of another user for receiving said audio content, said receiving device receiving said audio content through one of a wired (connecting devices with connecting workstation to network; column 4, lines 24-44) or wireless interface.

Regarding **claim 24**, Milne discloses a system wherein said network further processes said audio content (processing audio components; column 8, lines 36-50).

Regarding **claim 25**, Milne discloses a system wherein said network includes a database for storing said audio content (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67).

Regarding **claim 26**, Milne discloses a system wherein said network receives audio content without receiving said electronic information associated with said audio content (audio and video; column 8, lines 36-60).

6.   **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Milne in view of Milne in view of Merritt and Doyle, as applied to claim 6, in view of Hou et al. (U.S. Patent No. 5,838,313), hereinafter referenced as Hou.

Regarding **claim 7**, Milne in view of Merritt and Doyle disclose a system wherein said voice activated recording system, but lacks wherein the system records when said audio content exceeds a predetermined threshold.

Hou discloses a system wherein the system records when said audio content exceeds (is not less than) a predetermined threshold (column 7, lines 63-65), to determine distance between previous and new events.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Milne in view of Merritt and Doyle inventions such that it records when said audio content exceeds a predetermined threshold as in Hou, to have a report which consists of the individual's visual and audio annotations, which can be synchronized for playing back (column 2, lines 30-36).

7.   **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Milne in

view of Merritt and Doyle as applied to claim 6, in view of Dwyer et al. (U.S. Patent No.

6,571,211), hereinafter referenced as Dwyer.

Regarding **claim 8**, Milne in view of Merritt and Doyle disclose a system for

receiving audio input, but lacks wherein said voice activated recording system records

when a known user's voice is detected in said audio content.

Dwyer discloses the system wherein said voice activated recording system

records when a known user's voice is detected in said audio content (column 7, lines

46-67), so that the users may more readily locate their own voice data files.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Milne in view of Merritt and Doyle's invention

such that the recording step records only a specific user's voice, to identify an author of

a voice data file, which aids in indexing the voice data files, so that the users may more

readily locate their own voice data files (column 7, lines 46-67).

8.   **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in

view of Merritt and Doyle and in further view of Headley et al. (U.S. Publication No.

2002/0194260), hereinafter referenced as Headley.

Regarding **claim 29**, Schilit in view of Merritt and Doyle disclose a user interface

for displaying electronic information to a user, but lacks a third display portion for

displaying an indication that said audio annotation is being recorded or played back.

Headley discloses a user interface further comprising:

a third display portion for displaying an indication that said audio annotation is

being recorded or played back (figure 6,element 606), to display additional information.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Schilit in view of Merritt and Doyle's interface

wherein it discloses a third display portion for displaying an indication that said audio

annotation is being recorded or played back, as taught by Headley, to display additional

information related to each entry in the multimedia playlist (column 5, paragraph 0049).

9.   **Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in

view of Merritt and Doyle and in further view of Aihara et al. (USPN 5,644,674),

hereinafter referenced as Aihara.

Regarding **claim 30**, Schilit in view of Merritt and Doyle disclose a user interface

for displaying electronic information, but lacks a third display portion for displaying one

of a document tape or a master tape.

Aihara discloses a display portion (figure 4, element 33) for displaying one of a

document tape or a master tape (figure 4, elements 34a-34d with column 16, lines 24-

33), to view the modified playback picture.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Schilit in view of Merritt and Doyle's interface, as

taught by Aihara, to allow the user to view the modified playback picture to confirm

whether or not the picture has been modified in the desired manner (column 16, lines

24-33).

10.   **Claim 36** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in

view of Merritt and Doyle and in further view of Fielder (USPN 6,205,419).

Regarding **claim 36**, Schilit in view of Merritt and Doyle disclose a system

wherein a voice activated recording system, but does not specifically teach recording all

ambient sounds.

Fielder teaches a continuous recording process that records ambient sounds

(column 6, lines 41-46), to improve audio quality.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Schilit in view of Merritt and Doyle's process,

wherein it records ambient sounds, as taught by Fielder, to detect and cancel ambient

noise, which provides signal enhancement (column 6, lines 41-46).

11.   **Claim 37** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in

view of Merritt and Doyle in further view of Hou et al. (U.S. Patent No. 5,838,313),

hereinafter referenced as Hou.

Regarding **claim 37**, Schilit in view of Merritt and Doyle disclose a system

wherein a voice activated recording system, but lacks wherein the system records

when said audio content exceeds a predetermined threshold.

Hou discloses a process wherein said recording step records only sounds above

a predetermined threshold (is not less than the threshold; column 7, lines 63-65), to

determine distance between previous and new events.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Schilit in view of Merritt and Doyle's invention

such that it records only sounds above a predetermined threshold, as in Hou, to have a

report which consists of the individual's visual and audio annotations, which can be

synchronizes for playing back (column 2, lines 30-36).

12.   **Claim 38** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in

view of Merritt, Doyle Hou, as applied to claim 37, further in view of Dwyer.

Regarding **claim 38**, Schilit in view of Merritt, Doyle and Hou disclose a system

for receiving audio input, but lacks wherein said recording step records only a specific

user's voice.

Dwyer discloses the system wherein said recording step records only a specific

user's voice (column 7, lines 46-67), so that the users may more readily locate their

own voice data files.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Schilit in view of Merritt, Doyle and Hou's

invention such that voice activated recording system records when a known user's voice

is detected in said audio content, to identify an author of a voice data file, which aids in

indexing the voice data files, so that the users may more readily locate their own voice

data files (column 7, lines 46-67).

13.   **Claim 49** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in

view of Merritt and Doyle and in further view of Pritt (U.S. Patent No. 5,689,717).

Regarding **claim 49**, Schilit in view of Merritt and Doyle disclose a process for

recording an audio annotation, but lacks including the steps of comparing the length

and displaying a portion of electronic information.

Pritt discloses the process including the steps of:

comparing the length (determining the position) of said currently playing

annotation with starting identifications of displayable portions of said electronic

information (column 4, lines 15-30); and

displaying the portion of said electronic information (display annotations)

supporting the greater length of said currently playing annotation (currently displayed;

column 4, lines 15-30), for the placement of annotations on a computer display of

various sizes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit in view of Merritt and Doyle's invention such that it includes the steps of comparing the length and displaying a portion of electronic information as in Pritt, for placement of annotations of various sizes without overlapping currently displayed annotations (column 1, lines 10-15).

14.   **Claims 57 and 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view of Merritt and Doyle and in further view Jain et al. (USPN 6,144,375), hereinafter referenced as Jain.

Regarding **claim 57**, Schilit in view of Merritt and Doyle disclose a computer readable medium having a data structure, but lacks wherein at least one property relating to the time said audio content stopped recording.

Jain discloses a data structure wherein at least one property relates to the time said audio content stopped recording (column 19, line 54 – column 20, line 11), to create a multi-media database.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit in view of Merritt and Doyle's medium, as taught by Jain, such that at least one property relates to the time said audio content stopped recording, to thereby create a database that synchronizes and associates multiple multi-media data types with multi-media events of interest to an end user or client (column 20, lines 4-11).

Regarding **claim 61**, Schilit in view of Merritt and Doyle disclose a computer

readable medium having a data structure, but lacks a data structure wherein at least

one property relates to a stop ID.

Jain discloses a data structure wherein at least one property relates to a stop ID

(column 19, line 54 – column 20, line 11), to create a multi-media database.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Schilit in view of Mishra and in further view of

Oliver and Lucas's medium wherein at least one property relates to a stop ID, as taught

by Jain, to thereby create a database that synchronizes and associates multiple multi-

media data types with multi-media events of interest to an end user or client (column 20,

lines 4-11).

15.   **Claims 65-65** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schilit in view of Merritt and Doyle and in further view of Martin et al. (USPN 6,272,484),

hereinafter referenced as Martin.

Regarding **claim 64**, Schilit in view of Merritt and Doyle discloses a data

structure, but lacks wherein said property is one of plurality of properties and wherein at

least on of a plurality properties are in a marked up language form.

Martin discloses an electronic document wherein at least on of a plurality

properties are in a marked up language form (HTML; column 3, lines 58-64), to use

various application on a computer system.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to Schilit in view of Merritt and Doyle's structure wherein at

least on of a plurality properties are in a marked up language form, to include links to

graphic objects that are to be downloaded and displayed with the web page (column 1,

lines 2-45), as taught by Martin.

Regarding **claim 65**, Schilit in view of Merritt and Doyle discloses a data

structure, but lacks wherein said properties are in XML.

Martin discloses an electronic document wherein said properties are in XML,

(column 6, lines 19-36), to use various applications on a computer system.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to Schilit in view of Merritt and Doyle's structure wherein

said properties are in XML, as taught by Martin, to have a variety of formats to view

(column 6, lines 19-36).

16.   **Claim 79-80** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schilit in view of Merritt and Doyle and in further view of Miller et al. (USPN 5,801,685),

hereinafter referenced as Miller

Regarding **claim 79**, Schilit in view of Merritt and Doyle disclose a process for

associating audio notes and handwritten notes, but lacks locating said audio notes

includes the step of searching a table.

Miller discloses a process wherein locating said audio notes includes the step of searching a table (column 15, lines 29-43 and column 16, lines 11-14), to indicate the location of the clip.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit in view of Merritt and Doyle's process, such as taught by Miller, wherein locating said audio notes includes the step of searching a table, to indicate the location of the clip (column 15, lines 29-43), for easy access, which is well know in the art.

Regarding **claim 80**, Schilit in view of Merritt and Doyle disclose a process for associating audio notes and handwritten notes, but lacks locating said audio notes includes the step of searching a linked list.

Milller discloses a process wherein locating said audio notes includes the step of searching a linked list (column 9, lines 34-55 with column 11, lines 14-42), to obtain the raw information that resides in the server.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit in view of Merritt and Doyle's process, such as taught by Miller, wherein locating said audio notes includes the step of searching a linked list, to allow information to be obtained (column 11, lines 14-42), with easy access, which is well known in the art.

Conclusion

17.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

18.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAKIEDA R. JACKSON whose telephone number is

(571)272-7619. The examiner can normally be reached on Monday-Friday from

5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jakieda R Jackson/
Examiner, Art Unit 2626
August 24, 2009

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626